

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, June 18, 2007 at Westfield Town Hall. Members present included David Mueller, Martin Raines, Bill Sanders, Cindy Spoljaric and Craig Wood. Also present were Kevin Todd and Town Attorney, Brian Zaiger.

Wood reviewed the Public Hearing Rules and Procedures.

APPROVAL OF MINUTES

Spoljaric moved to approve the May 21, 2007 minutes as presented.

Sanders seconded, and the motion passed by voice vote. (4-0-1) (Mueller).

NEW BUSINESS

19540 Lamong Road

0706-SE-01: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Special Exception from the Westfield-Washington Township Zoning Ordinance (WC 16.04.180, Figure 2), to allow for the use of a Kennel the AG-SF1 District.

0706-VS-014: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.100, 2bvii), to allow for the construction of an accessory structure that is not subordinate to the principal structure.

0706-VS-015: 19540 Lamong Road: Cindy Tripp: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.100, 3), to allow for the construction of a fence that exceeds six (6) feet in height.

Ms. Cindy Tripp presented details of the special exception and variances which is to request special permission to build a boarding kennel on her property. The kennel will be located behind an existing accessory building and will be shielded from the road and neighbors' homes. Tripp further stated the desire to remove an existing barn and build a garage for supplies and kennel expansion. She further stated the kennel would include fifty indoor/outdoor runs and grooming. Tripp stated one variance request is for an eight-foot fence for retention of the animals and protection of the animals; the other variance request is to allow more accessory square-footage than principal square-footage.

Wood asked how many animals.

Tripp responded fifty would be the maximum.

Wood asked about the hours of operation.

Tripp responded 8:00 AM to 6:00 PM Monday through Saturday; Sunday by appointment only. She added that the kennel would be climate controlled and that the animals would be allowed out until 9:30 or 10:00 at night.

Wood asked if this will be a year round operation.

Tripp responded yes.

Wood asked about plans for waste disposal.

Tripp responded that she has met with the Hamilton County Health Department; she had soil boars drilled for septic system, drainage for runs and hosing, and water capacity. She further stated the property is being looked at by the State. She also stated bulk waste would be collected by a trash service on a weekly basis, and there would be no holding facility for waste.

Wood asked about security lighting.

Tripp responded there would be one dusk to dawn light, and other motion censored lighting.

Wood asked about parking.

Tripp responded there would be asphalt parking in front of the building and that she does not anticipate any more than five cars at one time since it will mostly be dropping off and picking up of pets.

Wood asked what the best guess is on largest number of cars at any particular time.

Tripp responded probably three would be the largest.

Wood asked what type of home is on the property currently.

Tripp responded a modular home.

Sanders expressed concern about the noise level and asked if any research has been done on the sound aspect.

Tripp expressed willingness to put up mounds. She stated she has met with neighbors and has not had any resistance from the neighbors.

Mueller asked about the plans for the upstairs part of the garage.

Tripp responded work out equipment, office equipment, and kids' equipment, etc.

Spoljaric asked about the building materials on the structure and the garage.

Tripp responded the kennel building would be block with wood truss roof; the garage would be steel.

Sanders asked Zaiger if provisional approval would be allowed in this case, i.e. good for a number of years and they have to come back for approval at the end of the term.

Zaiger responded since this is a Special Exception, it would be expected that there will be certain restrictions imposed.

Mueller requested adding a condition that the garage (0706-VS-014) should not have overnight occupancy.

- A Public Hearing for **0706-SE-01** opened at 7:25 p.m.

Mr. Scott Tragressor spoke in favor of the project and spoke of neighbor support.

The Public Hearing closed at 7:28 p.m.

Raines moved to approve 0706-SE-01 with the following conditions:

1. Unless otherwise required by the Technical Advisory Committee, the subject property shall be limited to a single access drive off of Lamong Road;
2. That signage for the kennel shall comply with the standards for home occupation signage under WC 16.08.010, F;
3. That, except for the area that is to be cleared for the building expansion of the kennel, the existing wooded area shall be maintained and shall not be removed. If any of the existing wooded area is removed or dies, then it shall be replaced with:
 - a. Shrubs of similar type and size
 - b. Trees of similar type, and shall comply with the replacement requirements established in WC 16.06.020, E; and,
4. That all conditions associated with variance requests 0706-VS-014 and 0706-VS-015 are binding on the subject property.
5. That due to the transitional nature of the surrounding property, this Special Exception is granted for a five-year term.

Sanders seconded, and the motion passed 4-1 (Mueller).

Spoljaric moved to adopt staff's findings of fact.

Raines seconded, and the motion passed by 4-0.

- A Public Hearing for **0706-VS-014** opened at 7:42 p.m.

No one spoke, and the Public Hearing closed at 7:43 p.m.

Mueller moved to approve 0706-VS-014 with the following conditions:

1. That no further building or expansion of accessory structure occur on the subject property; and
2. That the five-year term limit of 0706-SE-01 shall not apply to this variance request.
3. That all other conditions associated with variance requests 0706-SE-01 and 0706-VS-015 are binding on the subject property.

Sanders seconded, and the motion passed unanimously.

Sanders moved to adopt staff's findings of fact.

Mueller seconded, and the motion passed unanimously.

- A Public Hearing opened for **0706-VS-015** at 7:50 p.m.

No one spoke, and the Public Hearing closed at 7:51 p.m.

Spoljaric moved to approve 0706-VS-015 with the following conditions:

1. That this variance request (0706-VS-015) apply only to the fence enclosing the kennel area, as per the submitted plans;
2. That all other fencing on the subject property be subject to WC 16.04.100, 3;
3. That the fence enclosing the kennel area be no taller than eight feet (8') in height; and,
4. That the five-year term limit of 0706-SE-01 shall not apply to this variance request; and,
5. That all other conditions associated with special exception 0706-SE-01 and variance request 0706-VS-014 are binding on the subject property.

Sanders seconded, and the motion passed unanimously.

Sanders moved to adopt the staff's findings of fact.

Raines seconded, and the motion passed unanimously.

21107 U.S. 31 North (MacGregor Park)

0706-VS-016: 21107 U.S. 31 North (MacGregor Park): Washington Township Parks Department: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.06.070, B2e), to reduce the parking lot island planting requirements.

0706-VS-017: 21107 U.S. 31 North (MacGregor Park): Washington Township Parks Department: The Appellant is requesting a Variance of Standard from the Westfield-

Washington Township Zoning Ordinance (WC 16.06.060), to reduce the buffer yard requirements.

0706-VS-018: 21107 U.S. 31 North (MacGregor Park): Washington Township Parks Department: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.06.050, B2), to reduce the road frontage planting requirements.

0706-VS-019: 21107 U.S. 31 North (MacGregor Park): Washington Township Parks Department: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.04.030, B6b), to reduce the side yard setback requirement in the AG-SF1 District.

0706-VS-020: 21107 U.S. 31 North (MacGregor Park): Washington Township Parks Department: The Appellant is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance (WC 16.06.050, A2), to reduce the on-site planting requirements.

Ms. Melody Sweat, Director of Parks, Washington Township, reviewed the variance requests which are largely due to restrictions caused by the terms of the deed and because of the utility easement that runs along the southern part of the park. MacGregor Park is a total of 80 acres of which the township is in possession of 43 of those acres. The park will remain as a nature preserve. She stated that when INDOT does the U.S. 31 project, their access will be taken away. She further stated that INDOT will provide access to the park from Highway 38.

Mueller asked what is planned to keep people out of the private residence area.

Sweat responded that when this land was received nine years ago, part of the conservation easement was to completely fence the private residential property. She further stated that this has been completed and the gate for the drive is posted as "Private Property."

Mueller asked what kind of enforcement or security will there be for the evening.

Sweat responded that at the main entrance off of Highway 38 there will be a gate, which will be controlled by a timer. She further stated that the family living on the property will be given a remote control for the gate. She also stated that the restroom will have a timed lock on it and that the park will be operational from dawn to dusk.

Wood asked about security lighting.

Sweat responded there will be motion detectors and security cameras which will be monitored.

- A Public Hearing for **0706-VS-016**, **0706-VS-017**, **0706-VS-018**, **0706-VS-019** and **0706-VS-020** opened at 8:20 p.m.

No one spoke, and the Public Hearing closed at 8:21 p.m.

Sanders moved to approve 0706-VS-016, 0706-VS-017, 0706-VS-018, 0706-VS-019, and 0706-VS-020 with the following conditions:

1. That no further encroachment on the north side yard occur; and,
2. That all conditions associated with variance requests 0706-VS-016, 0706-VS-017, 0706-VS-018, 0706-VS-019, and 0706-VS-020 are binding on the subject property.

Spoljaric seconded, and the motion passed unanimously.

Spoljaric moved to adopt the staff's findings of fact.

Sanders seconded, and the motion passed unanimously.

The meeting adjourned at 8:25 p.m.

Chairman

Secretary